

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHANDLER TODD BARR,

Plaintiff,

v.

No. 12-CV-01109-GBW/RHS

CITY OF ALBUQUERQUE,
RAY SCHULTZ, in his official capacity,
LEAH KELLY, in her individual capacity,
JENNIFER JARA, in her individual capacity,
and ANDREA ORTIZ, in her individual capacity,

Defendants.

ORDER DENYING MOTION TO BIFURCATE

THIS MATTER is before the Court on Defendants' Motion to Bifurcate. *Doc. 88.* Defendants requests bifurcation of the trial of Defendants Kelly, Jara, and Ortiz from that of Defendants City and Schultz both because latter's liability is dependent on a determination of the former's liability and because of the difficulty in distinguishing federal individual and municipal liability claims. *Id.* at 2-4. Because of the Court's ruling on the various motions for summary judgment (*see docs. 59, 64, 86, 124*), Defendants Ortiz, Jara, and Schultz have been dismissed from this action. Further, Plaintiff's only surviving claims against Defendants Kelly and City do not involve the federal municipal liability issues over which Defendants expressed concern in their

motion. *Doc. 88* at 3. Because the basis of Defendants' Motion is no longer extant, the Court will deny the instant motion as **MC**



G. B. Wohl
UNITED STATES DISTRICT COURT
JUDGE
Presiding by consent